

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #11	CCRB Case #: 201902104	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/06/2019 11:30 PM	Location of Incident: § 87(2)(b) Inside an ambulance in the vicinity of § 87(2)(b)	Precinct: 67	18 Mo. SOL 9/6/2020	EO SOL 4/23/2021	
Date/Time CV Reported Mon, 03/11/2019 9:59 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 03/11/2019 9:59 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kenneth Lechner	25641	950734	067 PCT
2. POM James Campiglia	21375	962288	067 PCT
3. POM David Meytin	24761	962616	067 PCT
4. POF Nicole Staiger	07549	955527	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Djenane Pierre	02093	954238	067 PCT
2. POM Michael Dechiaro	25503	950288	067 PCT
3. POM Macaulay Maldarelli	05974	961905	067 PCT
4. POM Daniel Collura	06593	961705	067 PCT
5. POM James Astuto	16036	926611	067 PCT
6. SGT Brian Holbert	01461	950593	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM James Campiglia	Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer James Campiglia spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM David Meytin	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer David Meytin frisked § 87(2)(b)	§ 87(2)(b)
C.POM David Meytin	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer David Meytin searched § 87(2)(b)	§ 87(2)(b)
D.POM Kenneth Lechner	Force: Outside of § 87(2)(b) in Brooklyn, Police Officer Kenneth Lechner used physical force against § 87(2)(b)	§ 87(2)(b)
E.POF Nicole Staiger	Discourtesy: Inside an ambulance in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Nicole Staiger acted discourteously toward § 87(2)(b)	§ 87(2)(b)

### Case Summary

On March 11, 2019, § 87(2)(b) filed this complaint with the CCRB online.

On March 6, 2019, at approximately 11:30 p.m., Police Officer James Campiglia, Police Officer David Meytin, Police Officer Kenneth Lechner, and Police Officer Nicole Staiger, all of the 67<sup>th</sup> Precinct, responded to a radio run regarding a suicidal emotionally disturbed person (EDP) at § 87(2)(b) in Brooklyn. PO Campiglia spoke discourteously to § 87(2)(b) the EDP (**Allegation A: Discourtesy**, § 87(2)(g)). PO Meytin frisked and searched § 87(2)(b) (**Allegations B and C: Abuse of Authority**, § 87(2)(g)). PO Lechner allegedly used physical force against § 87(2)(b) (**Allegation D: Force**, § 87(2)(g)). Inside an ambulance in the vicinity of § 87(2)(b) PO Staiger allegedly acted discourteously toward § 87(2)(b)'s mother (**Allegation E: Discourtesy**, § 87(2)(g)).

Neither § 87(2)(b) nor § 87(2)(b) were summonsed or arrested during this incident.

Video footage was obtained from § 87(2)(b) and the officers' body-worn cameras and will be discussed in further detail below.

### Findings and Recommendations

#### **Allegation (A) Discourtesy: Inside of § 87(2)(b) in Brooklyn, Police Officer James Campiglia spoke discourteously to § 87(2)(b)**

The investigation established the following facts:

On March 6, 2019, at approximately 11:30 p.m., § 87(2)(b) called 911 to request police in response to her § 87(2)(b)-old son, § 87(2)(b) stating he was going to kill himself and going to the roof of his apartment building, located at § 87(2)(b) in Brooklyn. PO Campiglia and PO Meytin arrived on scene and went to the roof with § 87(2)(b) § 87(2)(b) voluntarily left the roof and entered his apartment, § 87(2)(b), and proceeded to lock himself in his bedroom. After approximately two minutes, § 87(2)(b) exited his bedroom. PO Campiglia and PO Meytin placed § 87(2)(b) into handcuffs without incident. PO Campiglia and PO Meytin frisked § 87(2)(b) and PO Meytin entered § 87(2)(b)'s pants pocket and removed his cell phone. § 87(2)(b) was then transported to § 87(2)(b).

§ 87(2)(b) (BR 05) did not allege that PO Campiglia spoke discourteously to § 87(2)(b)

§ 87(2)(b) granted the investigation permission to obtain a statement from § 87(2)(b)

During his telephone statement, § 87(2)(b) (BR 06) did not mention PO Campiglia or any other officer speaking discourteously to him during the incident. After providing a telephone statement, § 87(2)(b) missed two interviews and became uncooperative with the investigation.

PO Campiglia's body-worn camera, in relevant part, shows § 87(2)(b) inside the apartment with several other officers outside the apartment door, one of who is holding the door open (BR 07-08). § 87(2)(b) curses at PO Campiglia and tells him to put his phone back in his pocket. PO Campiglia says, "No. All right. You gonna act like a fucking baby. We'll treat you like a baby."

PO Campiglia (BR 09) did not recall using any profanity, including the word "fucking," during his interaction with § 87(2)(b). After reviewing the relevant portion of his body-worn camera, PO Campiglia confirmed that he said, "You gonna act like a fucking baby." PO Campiglia used this phrase in the "heat of the moment" during an intense situation. The situation was intense because § 87(2)(b) later tried to get away from the officers when they attempted to place him in a chair EMS provided. PO Campiglia confirmed that this occurred after he said, "You gonna act like a fucking baby."

Profanity used by police officers has been found to be permissible where the officer has resorted to such language in the heat of a highly dangerous situation. Disciplinary Case No. 2013-10143 (BR 10).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation (B) Abuse of Authority: Inside of § 87(2)(b) in Brooklyn, Police Officer David Meytin frisked § 87(2)(b)**

**Allegation (C) Abuse of Authority: Inside of § 87(2)(b) in Brooklyn, Police Officer David Meytin searched § 87(2)(b)**

§ 87(2)(b) (BR 05) testified that after § 87(2)(b) exited his room, either PO Campiglia or PO Meytin patted § 87(2)(b) down near his sweatpants pockets and hoodie pocket. Either PO Campiglia or PO Meytin entered § 87(2)(b)'s sweatpants and hoodie pocket, but § 87(2)(b) did not have anything in his pockets. At some point, the officers took § 87(2)(b)'s phone, but § 87(2)(b) did not know when this occurred or where the officers retrieved the phone from.

As discussed above, § 87(2)(b) was uncooperative with the investigation. In his telephone statement, § 87(2)(b) did not allege that he was frisked and searched (BR 06).

PO Meytin (BR 11) testified that he patted § 87(2)(b)'s waistband and pockets area to ensure he did not have anything he could harm himself with since § 87(2)(b) said § 87(2)(b) threatened to kill himself. PO Meytin had no reason to believe that § 87(2)(b) “was or wasn’t armed,” but frisked him to ensure that § 87(2)(b) was safe and because it was procedural since § 87(2)(b) was going to be escorted in ambulance. PO Meytin did not feel anything inside § 87(2)(b)'s pockets and waistband. PO Meytin “did not believe” he entered § 87(2)(b)'s pockets.

PO Campiglia (BR 20) testified that after § 87(2)(b) was handcuffed, the officers patted the top of § 87(2)(b)'s shoulders, waistband, pants, and ankles to ensure that § 87(2)(b) did not have any weapons and because § 87(2)(b) was going to go to the hospital as an emotionally disturbed person (EDP). PO Campiglia did not believe § 87(2)(b) had any weapons on his person, but wanted to frisk and search him “for safety.”

PO Meytin’s body worn camera footage, in relevant part, shows PO Campiglia tell PO Meytin to search § 87(2)(b) (BR 12, 08). PO Meytin tells § 87(2)(b) “We just gotta make sure there’s nothing on you.” § 87(2)(b) begins yelling and cursing at the officers. PO Meytin enters § 87(2)(b)'s back-right pants pocket and frisks § 87(2)(b)'s legs and chest. The footage does not clearly depict PO Meytin enter any other pockets or remove anything from the pockets.

Although PO Campiglia testified that he also frisked § 87(2)(b) as the body-worn camera footage captures the entirety of the incident and PO Campiglia does not frisk § 87(2)(b) at any point, PO Meytin was identified as the sole subject officer of the aforementioned allegations.

When an emotionally disturbed person (EDP) has been restrained, officers must remove property that is dangerous to life or will facilitate escape before placing the EDP in an ambulance. NYPD Patrol Guide Procedure 221-13 (BR 13).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation (D) Force: Outside of § 87(2)(b) in Brooklyn,  
Police Officer Kenneth Lechner used physical force against § 87(2)(b)**

§ 87(2)(b) (BR 05) testified that as she was waiting for EMS to arrive, additional officers arrived. Five minutes later, two EMTs from § 87(2)(b) arrived and asked § 87(2)(b) for § 87(2)(b)'s identification. § 87(2)(b) went to retrieve § 87(2)(b)'s identification from his bedroom and when she exited, § 87(2)(b) was in the hallway surrounded by approximately six or more police officers. PO Campiglia and PO Meytin were on either side of § 87(2)(b) holding his arms, and PO Lechner was directly behind § 87(2)(b). Whenever PO Lechner would move, § 87(2)(b) would move, which made § 87(2)(b) believe PO Lechner was holding § 87(2)(b) by the handcuffs. § 87(2)(b) asked PO Lechner why he was pulling on § 87(2)(b)'s handcuffs. PO Lechner said, "You wanna see me pull on him?" and pulled on § 87(2)(b)'s handcuffs approximately six times causing § 87(2)(b) to move back and forth.

Video footage was obtained from the § 87(2)(b)-floor hallway of § 87(2)(b) (BR 14-15). The video begins with PO Meytin and PO Campiglia holding § 87(2)(b) who is rear handcuffed, at the top of the stairs. There are several other officers in the hallway and an EMT coming up the stairs. § 87(2)(b) jerks his body forward toward the stairs, but PO Meytin and PO Campiglia still remain holding § 87(2)(b). § 87(2)(b) bends over and PO Lechner holds the lower part of § 87(2)(b)'s arm. The video does not clearly depict whether PO Lechner is holding § 87(2)(b)'s handcuffs (<<00:00 – 00:26>>). § 87(2)(b) enters the hallway and speaks with officers, but there is no audio component to the video. An EMT walks behind § 87(2)(b) with an orange chair. PO Lechner is no longer visible at this time (<<01:06 – 01:12>>). PO Meytin and PO Campiglia, who are still on either side of § 87(2)(b), put their hands on § 87(2)(b)'s shoulders and § 87(2)(b) sits in the orange chair (<<01:12 – 01:20>>).

PO Lechner's body-worn camera footage, in relevant part, begins with § 87(2)(b) yelling at PO Lechner that every time PO Lechner moves, § 87(2)(b) moves (BR 16, 08). PO Lechner is holding § 87(2)(b)'s forearm. § 87(2)(b) continues to yell and curse at the officers. An EMT brings an orange chair next to PO Lechner. § 87(2)(b) continues to yell that PO Lechner is pulling § 87(2)(b)'s arm. PO Lechner says, "You want me to pull his arm? Look. Now his arm's pulled. See he went down." § 87(2)(b) is not visible at this time.

PO Lechner (BR 17) testified that he held § 87(2)(b)'s forearm after § 87(2)(b) had lunged away from PO Meytin and PO Campiglia, who were standing with § 87(2)(b). § 87(2)(b) tensed his body. PO Lechner and other officers, whom he could not remember, "guided" § 87(2)(b) into the EMS chair. PO Lechner did not recall pulling on § 87(2)(b)'s handcuffs and did not consider "guiding" § 87(2)(b) into the chair physical force. After reviewing his body-worn camera footage, PO Lechner testified that he only pulled on § 87(2)(b)'s arm to guide him to the chair. PO Lechner told § 87(2)(b) "Now his arm's pulled," in regard to him guiding § 87(2)(b) to the chair.

PO Campiglia (BR 20) and PO Meytin (BR 11) both testified that § 87(2)(b) refused to walk down the stairs and therefore the officers had to wait for the EMTs to provide a chair so that § 87(2)(b) could be carried down the stairs. Neither PO Campiglia nor PO Meytin saw an officer use physical force against § 87(2)(b) including pulling on § 87(2)(b)'s handcuffs.

The video footage obtained from § 87(2)(b)'s building refutes § 87(2)(b)'s statement that PO Lechner pulled on § 87(2)(b)'s handcuffs six times, causing § 87(2)(b) to move back and

forth. At issue, then, is whether PO Lechner pulling § 87(2)(b)'s arm to place him in the chair qualifies physical force. § 87(2)(g)

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§ 87(2)(g)

**Allegation (E) Discourtesy: In an ambulance in the vicinity of § 87(2)(b) in Brooklyn, Police Officer Nicole Staiger acted discourteously to § 87(2)(b)**

§ 87(2)(b) (BR 05) testified that she went inside the ambulance with § 87(2)(b) § 87(2)(b). § 87(2)(b) had a Container Store shopping bag with her on the bench next to her, which contained her wallet and other belongings. PO Staiger “flung” § 87(2)(b)'s bag off the seat. § 87(2)(b) told PO Staiger that she could have said, “Excuse me,” but PO Staiger told § 87(2)(b) that she wanted to sit down.

PO Staiger (BR 18) testified that she entered the ambulance to transport § 87(2)(b) and that § 87(2)(b) had her Container Store shopping bag on the chair inside the ambulance. PO Staiger moved the bag over so that there would be room for her to sit during the transport. PO Staiger did not recall the bag falling over. Because § 87(2)(b) did not like PO Staiger, Police Officer Djenane Pierre, PO Staiger's partner, rode in the ambulance with § 87(2)(b) and § 87(2)(b).

A request for body-worn camera footage did not return any results for PO Staiger's camera. PO Pierre's footage captures § 87(2)(b) enter the ambulance from the passenger's side and PO Staiger enter the ambulance from the back (BR 19, 08). An EMT stands behind the stretcher. § 87(2)(b)'s Container Store bag is on the bench seat to her left (<<23:40:21>>). PO Pierre then turns away from the ambulance to fold the chair used to carry § 87(2)(b) down the stairs. In the background, § 87(2)(b) says, “All you had to do was say, ‘Excuse me, miss. Move your bag.’” PO Staiger is sitting next to § 87(2)(b) at this time, but the footage does not clearly capture where the bag is (<<23:40:30 – 23:40:32>>). § 87(2)(b) comments that PO Staiger pushed her bag (<<23:40:38>>), but neither § 87(2)(b) nor PO Staiger are visible at this time.

A request for an AIDED report returned negative results for this incident. As such, an Ambulance Care Report number could not be used to identify the EMT who was inside the ambulance with § 87(2)(b) and PO Staiger.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR 04).

- PO Campiglia has been a member of service for two years and has been a subject in two prior CCRB complaints and five allegations, none of which was substantiated. § 87(2)(g)
- PO Meytin has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.
- PO Lechner has been a member of service for seven years and has been a subject in two prior CCRB complaints and three allegations, none of which was substantiated. § 87(2)(g)
- PO Staiger has been a member of service for five years and has been a subject in one prior CCRB complaint and has been a subject in one allegation, which was not substantiated. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 5, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 01).
- § 87(2)(b)
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 03).

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
 Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
 Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
 Signature Print Title & Name Date